



PLANNING COMMISSION AGENDA REPORT

TO: Chairman and Commissioners
City of La Habra Planning Commission

FROM: Roy N. Ramsland Jr., Planning Manager
By: Chris Schaefer, Senior Planner

DATE: February 27, 2017

CASE: Consideration of a request for Conditional Use Permit 17-02 for an Instructional Tasting (ABC Type 86) License in conjunction with a supermarket at 1305 West Whittier Boulevard.

SUMMARY RECOMMENDATION

It is recommended that the Planning Commission approve Conditional Use Permit 17-02 for an Instructional Tasting (ABC Type 86) License in conjunction with a supermarket at 1305 West Whittier Boulevard, subject to the findings and conditions in the attached resolution.

PROJECT PROPOSAL

Description

The Applicant, Los Altos XIX, LP, is proposing to add “Instructional Tasting” within the Northgate Market. The property is located on the north side of Whittier Boulevard and west of Idaho Street with a portion of the property extending to Hacienda Road along the northerly portion of the property (see Vicinity Map, attachment 2). The General Plan land use designation is Commercial Highway. The property is zoned Commercial (C-2) which is consistent with the General Plan.

Discussion

A Type 86 Department of Alcoholic Beverage Control (ABC) license would allow for alcoholic beverage manufacturers, brewers, and vintners to conduct tasting events within the store. The events are intended to educate Northgate Market customers on the subject of wine, beer, and distilled spirits. This will include, but is not limited to, the history, nature, values, and characteristics of the beverage being featured. There is no charge to attend an instructional tasting event.

Tastings of alcoholic beverages are limited to the following amounts: distilled spirits is limited to one-fourth of one ounce; wine to one ounce, and; beer to eight ounces. No more than three tastings of any product may be provided to any person on any day. No one under the age of 21 is permitted within the designated tasting area.

Instructional tasting events will only take place between the hours of 10:00 a.m. and 9:00 p.m. and will be conducted in a designated area separated from the remainder of the premises by a rope or other barrier. The subject tasting area is anticipated to be no larger than a 12 foot by 12 foot section in the approved alcohol product display area (see Site Plan and Floor Plan and Project Description, attachments 3 and 4).

Pursuant to Section 18.06.040.A of the Zoning Code, a Conditional Use Permit is required for all alcohol-related sales. Also, Pursuant to Section 23396.6 of the Business and Professions Code, the requested license type can only be issued to the holder of a Type 20 (off-sale beer and wine) or Type 21 (off-sale general) ABC license.

On June 27, 2016 the Planning Commission approved Conditional Use Permit 16-04 to allow for alcohol sales at this site. Northgate Market will transfer their “Type 21” license, from their La Habra Boulevard location to the new location on Whittier Boulevard. Northgate has operated this license for over 10 years with no issues.

The area set aside for instructional tasting meets the criteria established by the Department of Alcoholic Beverage Control for an Instructional Tasting License. Conditions have been placed on the project to ensure that the “tastings” comply with all the requirements for a “Type 86” license. Therefore, it is recommended that the Planning Commission approve Conditional Use Permit 17-02 for an Instructional Tasting (ABC Type 86) License at 1305 West Whittier Boulevard, subject to the findings and conditions in the attached resolution (see Resolution, attachment 1).

Code Compliance

The site complies with the applicable codes.

NPDES

The Applicant’s proposal has been reviewed pursuant to the requirements of the City’s National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. The proposed use is not subject to the Water Quality Ordinance.

CEQA

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15301(a), Class 1: “Existing Facilities” of the California Environmental Quality Act Guidelines. The project consists of an allowed use within an existing building.

General Plan Relevance

The project implements Policy ED 1.1 (Consumer Demand) of the General Plan 2035.

Related Cases

- On June 27, 2016, the Planning Commission approved, Conditional Use Permit 16-04 for a general off-sale alcohol license (ABC Type 21) for Northgate Market and Design Review 16-05 for an addition to a commercial building and exterior façade and site upgrades to an existing retail shopping center at 1231-1357 and 1405-1465 West Whittier Boulevard.
- On January 9, 2017, the Planning Commission approved Design Review 16-10 for façade and site upgrades for the building at 1315 West Whittier Boulevard and Conditional Use Permit 17-02 for a restaurant at 1351 West Whittier Boulevard.

REQUIRED FINDINGS

Findings of Fact are required to be made before a Conditional Use Permit can be granted. The findings are provided in the attached resolutions along with conditions that staff has identified as being necessary to ensure that the proposed projects will have no negative effects on the public welfare and compliance with all appropriate City codes and ordinances (see Resolution, attachments 1).

RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 17-02 FOR AN INSTRUCTIONAL TASTING (ABC TYPE 86) LICENSE AT 1305 WEST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

ATTACHMENTS

1. [Resolution](#)
2. [Vicinity Map](#)
3. [Site and Floor Plan](#)
4. [Project Description](#)
5. [Noticing](#)
6. [Applications](#)